

Application Serial No. 10/798,001
In reply to Office Action of September 29, 2008

Docket: CU-3633

REMARKS/ARGUMENTS

Reconsideration is respectfully requested.

Claims 13-21 were pending in the present application before this amendment. By the present amendment, claims 13-21 have been canceled. Claims 22-25 have been previously withdrawn. Claims 26-38 are newly added herein. No new matter has been added. For instance, support for newly added claims 26-27 can be found on page 9 line 20 to page 10 line 11. Claims 28-33 find support in original claims 13-15. Claim 38 also finds support in the original disclosure, for instance on page 10 lines 12-25. The newly added claims can be viewed in the Amendments section in the Listing of claims beginning on page 3 of this paper.

In the office action, the Examiner objected to a comma after the term "bio-microarray" in claims 13-15. The Applicant has removed the offending comma from new claims 28-33 (formerly claims 13-15). The Applicant believes that this amendment overcomes the Examiner's objection and respectfully requests that the Examiner withdraw this objection as to the claims.

Rejection of claims 13-15 and 19-21 under 35 U.S.C. 102(b).

In the office action, claims 13-15 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/61282 (Glazier) and as evidenced by U.S. Patent 4,994,318 (Patel), and U.S. Patent 2,713,286 (Taylor).

The Applicant respectfully disagrees and believes that the claims, as they now stand, are in condition for allowance. By way of this Amendment, the Applicant has cancelled claims 13-15 and 19-21, thereby removing the basis for the rejection of these claims, and therefore, the rejection as to these claims is moot. The Applicant respectfully requests that the Examiner withdraw the grounds for rejection as to these claims. In addition, the Applicant has newly added independent claims 26 and 27 and dependent claims 28-38.

In newly added claims 26 and 27, there is disclosed a feature that is not taught by the references. Claim 26 discloses a substrate for bio-microarray with the feature such that an anti-reflection layer is formed only in a region where an

Application Serial No. 10/798,001
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Docket: CU-3633

immobilization layer will be formed. Claim 27 discloses a substrate for bio-microarray with the feature such that an anti-reflection layer is formed only in a region other than the region where an immobilization layer will be formed. Clearly, the inventions cited in claims 26 and 27 are substrates for bio-microarray wherein the anti-reflection layers are formed only in a predetermined region, an anti-reflection layer region.

Neither Glazier, Patel, nor Taylor, wholly or in combination, teach, disclose, or suggest limiting a forming region of the anti-reflection layer. Thereby, the anti-reflection layer of the present invention is distinguished from the porous layers recited in these references.

It is well settled that a reference(s) must teach each and every claimed limitation to anticipate a claimed invention.

Since Glazier as evidenced by Patel and Taylor do not teach or suggest the claimed anti-reflection layer formed only in predetermined regions, at least for this reason, Glazier as evidenced by Patel and Taylor cannot support an anticipation rejection to newly added claims 26 and 27, and claims depending therefrom.

Accordingly, the Applicant believes that these claims are in condition for allowance and respectfully requests favorable consideration.

Rejection of claims 16-18 under 35 U.S.C. §103(a).

In the office action (page 6), claims 16-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Glazier and as evidenced by Patel and Taylor and further in view of Noblett (U.S. 6,362,004).

The Applicant respectfully disagrees and submits that the claims, as they now stand, are in allowable form. By way of this amendment, claims 16-18 have been cancelled thereby removing the basis for the rejection of these claims, rendering the rejection of these claims moot. The Applicant respectfully requests that the Examiner withdraw this ground of rejection of the claims.

Application Serial No. 10/798,001
In reply to Office Action of September 29, 2008

Docket: CU-3633

The Applicant has herein newly added claims 26 and 27 as well as dependent claims 28-38. The above comments are equally applicable here in that Glazier, Patel, Taylor and Noblett, in whole or in combination, do not teach or suggest all of the features of the claimed substrate for bio-microarray.

Further, by limiting the forming regions of the anti-reflection layer, newly added claims 26 and 27 have advantageous effects. As disclosed on page 9 line 20 to page 10 line 11, the original disclosure provides that if the excitation light is to be applied only to the probe biomolecule immobilization region, the problem of the excitation light reflection could occur only in the probe biomolecule immobilization region. Thus by forming the anti-reflection layer only to the region where the immobilization layer is to be formed, detection accuracy can be improved efficiently.

If the excitation light is to be applied over the entire surface of the substrate at the time of detection fluorescence from the label while applying the excitation light, the reflection of the excitation light from the region other than the probe biomolecule immobilization region can be a cause of a reduction in detection accuracy. Thus, by forming the anti-reflection layer only to the region other than the region where the immobilization layer is to be formed, detection accuracy can be improved efficiently.

It is well settled that the combined prior art reference(s) must teach each and every claimed limitation to render an invention obvious. Since Glazier, Patel, Taylor and Noblett, in whole or in combination, do not teach or suggest all of the claimed limitations of the present application, the references cannot support a obviousness rejection of the claims. In particular, Glazier, Patel, Taylor and Noblett, in whole or in combination, do not teach or suggest the claimed substrate for bio-microarray as in claims 26 and 27. The Applicant respectfully submits, therefore, that claims 26 and 27, and dependent claims are non-obvious.

For the reasons set forth above, the Applicant respectfully submits that claims 26-38, now pending in this application, are in condition for allowance. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the outstanding

Application Serial No. 10/798,001
In reply to Office Action of September 29, 2008

Docket: CU-3633

objections and rejections and earnestly solicits an indication of allowable subject matter.

This amendment is considered to be responsive to all points raised in the office action. Should the examiner have any remaining questions or concerns, the examiner is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns.

Respectfully submitted,

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Date



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